

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 381 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PARMAR UDESINGH DAHYABHAI @ CHATURBHAI

Versus

JAYANTIBHAI BHAILALBHAI PATEL THROUGH HIS POWER OF ATTORNEY

Appearance:

MRS SIDDHI D TALATI for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/03/98

ORAL JUDGEMENT

Heard the learned counsel for the petitioner and perused the impugned orders.

2. By this special civil application, the petitioner challenges the order of the Gujarat Revenue Tribunal, in Revision Application No. TEN. B.A. 1780/82 dated 9th October, 1984. Under this impugned order, the Tribunal rejected the revision application filed by the petitioner

in the matter of his application, filed under section 32 (G) of the Bombay Tenancy and Agricultural Lands Act, 1948, (hereinafter referred to as 'the Act, 1948'). The application filed by the petitioner under section 32 (G) of the Act, 1948 has been rejected by the Mamlatdar and A.L.T., Anand vide order dated 25th September, 1979 on the ground of res judicata. That order has been challenged by the petitioner. The appeal has been preferred by the petitioner and same came to be dismissed on 23rd June, 1982. The matter was carried by the petitioner to the Tribunal and under the impugned order, revision application filed by the petitioner has been dismissed. The Tribunal has held that prior to present application filed by the petitioner under section 32 (G) of the Act, 1948, in respect of the same land earlier the proceeding were initiated under section 32 (G), section 32(1) (B) and section 70 (B) of the Act, 1948 and those proceedings were decided against the predecessor of the petitioner. In the civil suit, regarding this very land in which reference has been made under section 85 of the Act, 1948 the Tribunal held that in view of the decision given in the earlier proceedings on the application filed in respect of same land for the same relief, the present proceeding is barred by the principles of res judicata.

3. The learned counsel for the petitioner is unable to point out how the aforesaid finding recorded by the Gujarat Revenue Tribunal is perverse. Only contention is made that the petitioner is not aware of those proceedings taken earlier by his father. That is hardly any contention much less a meritorious contention. The petitioner is claiming this land through his father and as such, in case earlier the proceedings have been taken by his father and the same has been dismissed then the Tribunal has not committed any error of jurisdiction or any illegality in applying the principle of res-judicata in the present case.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated.
